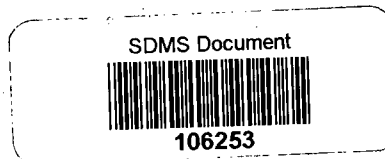


OU #2  
AOC



DEC 19 2003

**Federal Express**

Occidental Chemical Corporation and  
Tierra Solutions, Inc.  
Two Tower Center Boulevard, Floor 10  
East Brunswick, New Jersey 08816

Attention: Dave Rabbe  
Director, Environmental Remediation

Re: Diamond Alkali Superfund Site, Passaic River Study Area  
Administrative Order on Consent, Index No. II-CERCLA-0117  
Bill for Collection # 023304T016

Dear Mr. Rabbe:

The U.S. Environmental Protection Agency (EPA) is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9601 et seq. EPA has documented the release or threat of release of hazardous substances into the Passaic River Study Area. In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the site pursuant to Section 104 of CERCLA.

On April 20, 1994 EPA entered into an Administrative Order on Consent (Order), Index No. CERCLA-0117, with Occidental Chemical Corporation (OCC). Pursuant to Paragraph 89(b) of this Order, OCC agreed to reimburse EPA for all Response Costs related to this Order incurred by the EPA after the issuance of this Order.

CONCURRENCES							
Name: A. Yeh	Init:	Date:	Filename: F:\USER\AYEH\Passaic-Enforcement\Bill for Collection OU2 121703.wpd				
Name	A. Yeh	K. Reddy	D. Mellott	F. Barone	D. Vizian	R. Basso	
Concurrence	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
Date	12/17/03	12/18/03	12/18/03	12/19/03	12/19/03	12/19/03	

This Bill for Collection # 023304T016 covers the period from May 31, 2002 through August 31, 2003.

Enclosure A to the Bill for Collection is an itemized cost summary and narrative statement for oversight and response costs. An itemized cost summary, referred to as a Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) report, is also enclosed with this Bill for your review. Please note that two SCORPIOS reports are enclosed for Site identification number 96, Operable Unit 0 and Operable Unit 2, both dated December 11, 2003. Some personnel charged their time to this account number to represent time spent equally on Operable Units One, Two, and Three. For the purposes of the SCORPIOS report, Operable Unit Three represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the seventeen-mile Lower Passaic River Restoration Project. Therefore, the Operable Unit 0 costs (\$73,082.23) have been equally apportioned among this bill (# 023304T016), the bill for Operable Unit One (# 023304T015), and Operable Unit Three.

EPA certifies that as of August 31, 2003, it has expended at least \$156,475.87 in oversight and response costs relating to the Passaic River Study Area. The United States reserves its rights to recover any costs incurred during the time period covered by this accounting but not included in this billing, and all other oversight and response costs pursuant to the Administrative Order on Consent.

As per Section XVII 89. b. of the Order, payment shall be made within thirty (30) days of receipt of this letter.

Although the terms of the Order indicated that payment is to be made by means of a certified or cashier's check, we are requesting that this amount be provided to our account at the Mellon Bank via electronic funds transfer (EFT).

To make payment via EFT, please provide the following information to your bank:

- Amount of payment: **\$ 156,475.87**
- Title of Mellon Bank account to receive the payment: **EPA**
- Account code for Mellon Bank account receiving the payment: **9108544**
- Mellon Bank ABA Routing Number: **043000261**
- Name of remitter: **Occidental Chemical Corporation and Tierra Solutions, Inc.**
- Site/spill identifier: **02 96**
- Case Number: **II-CERCLA-0117**

Along with this information, you must instruct your bank to remit payment in the agreed upon amount via EFT to EPA's account with Mellon Bank.

To ensure that your payment is properly recorded, you should send a letter, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the site, the site

number, and your name and address to:

Ray Basso, Strategic Integration Manager  
Emergency & Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19<sup>th</sup> Floor  
New York, New York 10007-1866

and

Kedari Reddy, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 2  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007-1866

and

Donna Vizian, Chief  
Financial Management Branch  
Office of Policy and Management  
U.S. EPA, Region 2  
290 Broadway, 29<sup>th</sup> Floor  
New York, New York 10007-1866

Since 1995, EPA has strived to make administrative changes to the Superfund program to make cleanups faster, fairer, and more efficient. Under the Superfund Administrative Reform on improving the management of Potentially Responsible Party (PRP) oversight, EPA has reaffirmed its commitment to conduct appropriate and cost-effective oversight while ensuring protective cleanups, and to send oversight bills to PRPs in a timely manner. We believe that maintaining an open dialogue with PRPs about oversight expectations and PRP performance can improve the efficiency of response actions and minimize the costs of oversight. To that end, we look forward to discussing with you our plans for future oversight and any suggestions you have to effectively streamline the work and its oversight.

If you have questions regarding this matter, please contact Alice Yeh, of my staff, at (212) 637-4427. Legal inquiries should be directed to Ms. Reddy at (212) 637-3106. Thank you for your prompt attention to this matter.

Sincerely yours,

Ray Basso, Strategic Integration Manager  
Emergency & Remedial Response Division

**Enclosures**

bcc w/enclosures: A. Yeh  
K. Reddy  
L. Peterson  
F. Barone  
R. Manna

## ENCLOSURE A

Summary of Costs Incurred by EPA  
05/31/2002 through 08/31/2003;  
Diamond Alkali Superfund Site, Newark, New Jersey  
Operable Unit Two - Passaic River Study Area  
Site ID: 02 96

### Payroll:

These costs consist of direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent, Index No. II-CERCLA-0117. See attached Payroll sections of EPA's Itemized Cost Summary.

02 96 OU2 \$28,886.66

### Indirect Costs:

Indirect costs are those costs which are necessary to the operation of the Superfund program and the support of site cleanup efforts, but which cannot be directly tied to the efforts at any one site. Indirect costs are allocated to particular Superfund sites by means of a methodology established by EPA Headquarters. See attached worksheet for the calculation of indirect costs.

02 96 OU2 \$29,045.12

### Travel:

Travel expenses include direct expenditures related to site-specific travel charges, including costs of travel to the Site and to Site-related meetings.

02 96 OU2 \$ 170.04

### Interagency Agreement, United States Army Corps of Engineers DW96941853 & DW96941756:

This item consists of technical support, by the USACE Kansas City District, for oversight of the Passaic River RI/FS.

02 96 OU2 \$74,013.31

Payroll and Indirect Costs from OU 00:

The OU00 SCORPIOS report includes costs for OU1, OU2, and OU3. Therefore, these costs were divided evenly among the three accounts.

(\$496.36 payroll and \$5355.63 indirect) \$ 5,851.99

Other Expenditures from OU 00:

This item consists of the Records Center contract (GRB Environmental Services, Inc.) for maintenance of the OU1, OU2, and OU3 records. Therefore, these costs were divided evenly among the three accounts.

(\$18,508.75 other expenditures) \$ 18,508.75

Total EPA Costs: \$156,475.87

Bill for Collection Amount \$156,475.87